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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013- 885

13 **DANA RAQUEL HASTINGS, a.k.a. DANA**
14 **HASTINGS**
15 **637 S Rogers Drive**
16 **Pueblo West, CO 81007**

A C C U S A T I O N

17 **21787 S Lincoln Street**
18 **Spring Hills, KS 66083-7506**

19 **Registered Nurse License No. 651011**

20 Respondent.

21 Complainant alleges:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
24 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
25 Consumer Affairs.

26 2. On or about January 18, 2005, the Board of Registered Nursing issued Registered
27 Nurse License Number 651011 to Dana Raquel Hastings, also known as Dana Hastings
28

1 (Respondent). The Registered Nurse License expired on August 31, 2006, and has not been
2 renewed.

3 JURISDICTION

4 3. This Accusation is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
8 that the Board may discipline any licensee, including a licensee holding a temporary or an
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
10 Nursing Practice Act.

11 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
13 licensee or to render a decision imposing discipline on the license. Under section 2811,
14 subdivision (b) of the Code, the Board may renew an expired license at any time within eight
15 years after the expiration.

16 6. California Code of Regulations, title 16, section 1419.3, provides that a licensee may
17 renew a license that has been expired for more than eight years by paying the renewal and penalty
18 fees specified in Section 1417 and providing evidence that he or she holds a current valid active
19 and clear registered nurse license in another state, a United States territory, or Canada, or by
20 passing the Board's current examination for licensure.

21 7. Section 118, subdivision (b), of the Code provides, in pertinent part, that the
22 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
23 action during the period within which the license may be renewed, restored, reissued or
24 reinstated.

25 STATUTORY PROVISIONS

26 8. Section 2761 of the Code states:

27 "The board may take disciplinary action against a certified or licensed nurse or deny an
28 application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action

against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.”

DANGEROUS DRUGS

9. Code section 4022 provides:

“‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in humans or animals, and includes the following:

“(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without prescription,’ ‘Rx only’ or words of similar import.

“(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale by or on the order of a _____,’ ‘Rx only,’ or words of similar import . . .

“(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.”

10. Heparin is an anticoagulant (blood thinner) that prevents the formation of blood clots. Heparin is used to treat and prevent blood clots in the veins, arteries, or lung. Heparin is also used before surgery to reduce the risk of blood clots. Heparin is a dangerous drug under Code section 4022.

11. Phenobarbital is in a group of drugs called barbiturates. Phenobarbital slows the activity of your brain and nervous system and is used to treat or prevent seizures. It is also used short-term to treat insomnia, or as a sedative before surgery. It can cause severe allergic reaction. Phenobarbital is a dangerous drug under Code section 4022.

12. Zofran is used to prevent nausea and vomiting that may be caused by surgery or by medicine to treat cancer, such as chemotherapy or radiation. It can cause blurred vision or temporary vision loss. Zofran is a dangerous drug under Code section 4022.

13. Levaquin is in a group of antibiotics called fluoroquinolones. Levaquin fights bacteria in the body. Levaquin is used to treat bacterial infections of the skin, sinuses, kidneys, bladder, or prostate. It is also used to treat bacterial infections that cause bronchitis or pneumonia, and to treat people who have been exposed to anthrax or plague. Levaquin is a dangerous drug under Code section 4022.

COST RECOVERY

14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline)
(Bus. & Prof. Code § 2761, subd. (a)(4))

15. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about April 1, 2010, in a disciplinary action before the Missouri State Board of Nursing (“Missouri Board”), Case Number 2008-006819, the Respondent and the Missouri Board entered a Settlement Agreement in which Respondent’s Missouri registered nurse license was publicly censured. Respondent stipulated that the factual allegations in the Settlement Agreement were true and that her Missouri registered nurse license was subject to discipline. The Settlement Agreement was entered as a result of Respondent’s conduct, set forth below.

16. In or about October 2008, Respondent was employed as a registered nurse at a hospital in Joplin, Missouri. On or about October 23, 2008, Respondent gave Phenobarbital 75 milligrams intravenously to the wrong patient. Respondent failed to properly identify the patient prior to administering the medication. Furthermore, on or about October 26, 2008, Respondent administered 5,000 units of Heparin, 5 milligrams of Zofran, and 500 milligrams of Levaquin

1 intravenously to the wrong patient. Again, Respondent failed to properly identify the patient
2 prior to administering the medications. The Missouri Board concluded that Respondent's conduct
3 constituted incompetency and gross negligence in the performance of the functions or duties of a
4 registered professional nurse.

5 PRAYER

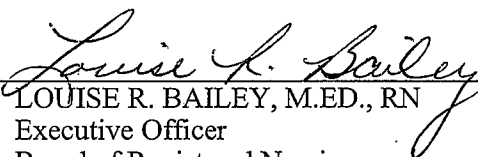
6 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
7 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 651011, issued to Dana
9 Raquel Hastings, also known as Dana Hastings;

10 2. Ordering Dana Raquel Hastings, also known as Dana Hastings to pay the Board of
11 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
12 pursuant to Business and Professions Code section 125.3;

13 3. Taking such other and further action as deemed necessary and proper.
14
15

16 DATED: April 8, 2013


17 LOUISE R. BAILEY, M.ED., RN
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant
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